IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6235 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MUKESHCHANDRA MAHENDRABHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MS MAMTA R VYAS for the Petitioner.

Mr.Pargi, Advocate, for the respondent.

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 12/08/2004

ORAL JUDGEMENT

Rule. Mr.Pargi, learned Advocate, waives service of rule on behalf of the respondent.

With the consent of the parties, the matter is taken up today.

By filing this petition, the petitioner, who is a passport holder, has prayed that there is some mistake in the original passport issued to him and there is a discrepancy in the name, as, according to the petitioner, his real name is "Mukeshbhai Mahendrabhai Patel". However, at the time when the passport was issued to him, in the said passport, his name is shown as "Mukeshchandra Maheshkumar Patel". It is submitted that even in the column regarding birth place, "Vijapur" is mentioned as his birth place, but, really, it is "Bhadran". It is submitted that, at the time of submitting the passport application, the aforesaid facts were stated. In this behalf, the learned Advocate for the petitioner has drawn attention of this Court to Annexure `C', page 16, which is an extract from the birth certificate issued by the Bhadran Municipality. It is submitted that the petitioner has already made a representation for correcting his name as well as the birth place in the original passport.

In my view, all these matters are required to be considered by the Passport Authority.

Under the circumstances, the respondent is directed to consider the representation of the petitioner in connection with the change in his name and the birth place in the light of the available evidence, on its own merits. After considering the representation of the petitioner, appropriate order may be passed.

The respondent may pass appropriate order, as indicated above, in accordance with law, on its own merits and on the basis of the evidence available before it, within a period of three months from the date of receipt of the writ of this order from this Court.

This petition is allowed to the aforesaid extent. Rule is made absolute accordingly.

Direct service is permitted.

12th August, 2004 (P.B. Majmudar, J.)

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(apj)